IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.1321 OF 2006

Dattatraya Digambar Ghule. ...Petitioner.

Vs.

The State of Maharashtra & Ors. ...Respondents

....

Mr. S. M. Oak i/b. Ms.N. V. Thatte for the Petitioner.
Mr. A. P. Vanarse, AGP for the Respondents.

.....

CORAM : DR. D.Y. CHANDRACHUD, J.

April 10, 2006.

P.C.:

The facts of this matter are similar to those in Writ Petition 1313 of 2006 which has been allowed by an order passed today. In the present case, the award of the Collector is dated 31st January 2004; a notice under Section 12(2) of the Land Acquisition Act, 1894 is dated 9th May 2005, while the application under Section 18 was filed on 17th June 2005. The Petitioner was not present before the Collector when the award was passed, nor was he represented. In view of the decision of the Supreme Court in **Raja Harish Chandra Raj Singh vs. The Deputy Land Acquisition Officer,** AIR 1961 SC 1500 and **Parsottambhai Maganbhai Patel vs. State of Gujarat**, (2005) 7 SCC 431 which has been followed in

the companion Writ Petition, it must be held that the Petitioner can be attributed with actual or constructive knowledge of the date of the award only after the receipt of the notice under Section 12(2). The application for reference under Section 18 was filed within a period of six weeks of the receipt of the notice dated 9th May 2005. In these circumstances, the impugned order of the Third Respondent dated 20th December 2005 has to be quashed and is accordingly quashed and set aside. The Third Respondent is directed to make a reference to the Court as defined in Section 3 (d) within four weeks from today. Petition to stand disposed of.

.....